

(1) Section 40-12-248(c), Code of Ala. 1975, requires the owner of a truck to make an affidavit declaring the gross vehicle weight of the truck at time of registration. Effectively, this affidavit is accomplished by the applicant informing the issuing official of the gross weight of the truck, and the official indicating the weight on the Motor Vehicle Registration Tag and Tax Receipt.

(2) Act 2006-356 allows the owner of a pick-up truck as defined in Section 32-8-2, Code of Ala. 1975, to register the truck used for personal or agricultural purposes based on the empty (or unladen) weight of the vehicle only without regard to the heaviest load to be carried including the heaviest load to be carried on any trailer used in combination with the truck. Accordingly, anyone qualified to register his or her pick-up truck under the provisions of Section 40-12-248, as amended, by Act 2006-356 shall certify the empty (or unladen) weight of the truck only, and shall exclude the weight of any trailer (and its load) used in combination with the truck. The Department interprets the language used in Act 2006-356 regarding the registration of trucks used for personal or agricultural use as excluding the weight of the driver and passengers within the truck, the weight of luggage, fuel, tools, and heaviest load to be carried in the bed of the pickup truck; also, excluded is the weight of any towed vehicle or equipment, and any load carried in the towed vehicle. Any weight passed from the trailer through the trailer tongue to the truck shall also not be included in the declared gross weight, provided the pickup truck has been registered for personal or agricultural use only.

(3) Section 32-8-2 defines the term "pickup truck" as "a truck with not more than two axles and a gross weight not exceeding 12,000 pounds." The two axle limitation does not include the axles of any attached trailer.

(4) The Department interprets the amended language of Act 2006-356 as authorizing the owner of a pick-up truck using the vehicle for "agricultural use" to register the vehicle for the empty (or unladen) weight of the truck only, even if the agricultural use could normally be considered as a commercial use of the vehicle. Accordingly, agricultural use shall be deemed by the Department to include the use of the truck by a farmer, by a cotton gin, by a farmer's cooperative, etc., solely to transport raw agricultural products to be processed, but does not include the transportation of processed agricultural products, such as canned vegetables, frozen meat, processed milk, etc.

(5) In the event a truck is used by the owner for both personal and commercial use, the truck shall be registered based on the gross vehicle weight of the truck as provided in Section 40-12-248 (a). This is true even in situations where the truck is used for commercial use only one time during the registration period.

(6) The provisions of Act 2006-356 is an exception to the established principle of truck registration based on combined gross weight as employed by most U.S.

jurisdictions. Accordingly, it is suggested that the owner of a truck registered pursuant to Act 2006-356 carry within the vehicle a copy of Act 2006-356 for presentation to law enforcement if stopped for improper registration.

(7) In the event that someone is cited by Department of Revenue enforcement officers for the improper registration of a pickup truck, when registering the vehicle the owner will be subject to the penalty provided for in Code Section 40-12-249 for the difference in registration fees. Also, the operator may be subject to a court fine if convicted of improper registration.

(8) Personal use includes the towing of a rented trailer used in moving one's personal possessions.

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Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 40-12-248.

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